

REMARKS/ARGUMENTS

STATUS OF CLAIMS

Claims 1-20 are currently pending in this application. By this Amendment, claims 1, 2, 8, and 17 are amended, leaving claims 3-7, 9-16, and 18-20 unchanged.

INTERVIEW SUMMARY

On July 29, 2008, a telephonic interview was conducted between the Examiner and the Applicants' Representative, Christopher B. Austin, and Patent Engineer Emily C. Stockhausen. During the Interview, the parties discussed the Basiulis reference (U.S. Patent No. 4,503,483), and in particular, the lack of distinct vapor and liquid lines extending between the evaporator and condenser as claimed in claims 1 and 17. The parties also discussed proposed amendments to the rejected independent claims 1 and 17 in order to more clearly claim that which the Applicants regard as the invention. The Examiner acknowledged that claims 1 and 17 as amended would likely be defined over the Basiulis reference.

CLAIM OBJECTIONS

On page 2 of the Office Action, claim 8 is objected to for an informality. As indicated above, claim 8 is hereby amended to change "later" to "layer." Accordingly, withdrawal of the objection to claim 8 is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §112

Also on page 2 and 3 of the Office Action, claim 2 is rejected under 35 U.S.C. §112 second paragraph, as failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. As indicated above, claim 2 is hereby amended to clarify the claimed subject matter. Accordingly, withdrawal of the 35 U.S.C. §112 rejection of claim 2 is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §102

On pages 3 and 4 of the Office Action, claims 1-4, 6, 11-13, and 17-20 are rejected under 35 U.S.C. §102(b) as being anticipated by Basiulis (U.S. Patent No. 4,503,483).

Independent Claims

Claim 1 is hereby amended and calls for:

A capillary assisted loop thermosiphon apparatus comprising:
at least one evaporator connected by a vapor line to a condenser, the vapor line comprising a tube having a first end connected to the evaporator and a second end connected to the condenser;
a liquid line connecting the condenser and the evaporator, the liquid line comprising a tube having a first end connected to the condenser and a second end connected to the evaporator;
the evaporator has a height in a direction of gravity significantly greater than a width perpendicular to the height, and is positioned in the direction of gravity from the condenser such that the condenser supplies liquid under gravity induced pressure to the evaporator, and the evaporator has a vertical capillary wick in which liquid wicks in the direction of gravity.

(Amendment marks not shown)

Claim 17 is also hereby amended and calls for:

A capillary assisted loop thermosiphon apparatus comprising:
at least one evaporator connected by a vapor line to a condenser, the vapor line comprising a tube having a first end connected to the evaporator and a second end connected to the condenser;
a liquid line connecting the condenser and the evaporator, the liquid line comprising a tube having a first end connected to the condenser and a second end connected to the evaporator;
the evaporator is positioned in the direction of gravity from the condenser such that the condenser supplies liquid under gravity induced pressure to the evaporator; and
the evaporator has a height in a direction of gravity significantly greater than a width perpendicular to the height, and has at least a pair of sheets, with at least one of the sheets having a corresponding wick portion attached thereto to provide a vertical capillary wick in which liquid wicks in the direction of gravity.

(Amendment marks not shown)

In contrast, Basiulis discloses a heat pipe module assembly in which an upper end of a flat-plate evaporator section 26 is inserted into and brazed directly to the bottom 72 of the casing 57 of a condenser section 24, and in which evaporated working fluid flows through parallel slots 42 of a separator plate 38 in the evaporator section 26 directly into the space 60 of a condenser section 24 where it condenses and flows back to the evaporator section 26 through the parallel slots 42.

Accordingly, Basiulis fails to teach, describe, or suggest, among other things, a capillary assisted loop thermosiphon apparatus having at least one evaporator connected by a vapor line to a condenser, wherein the vapor line comprises a tube having a first end connected to the evaporator and a second end connected to the condenser, or a liquid line connecting the condenser and the evaporator, wherein the liquid line comprises a tube having a first end connected to the condenser and a second end connected to the evaporator as claimed in amended claims 1 and 17.

In light of these and other reasons not discussed herein, the Applicants respectfully submit that amended independent claims 1 and 17 are novel and non-obvious over Basiulis. Withdrawal of the 35 U.S.C. §102(b) rejection of claims 1 and 17 in view of Basiulis is therefore respectfully requested.

Dependent Claims

Claims 2-4, 6, and 11-13 each depend from claim 1, and are therefore allowable based upon independent claim 1 and upon other elements and features claimed in claims 2-4, 6, and 11-13 but not discussed herein. Also, claims 18-20 each depend from claim 17, and are therefore allowable based upon independent claim 17 and upon other elements and features claimed in claims 18-20 but not discussed herein. Withdrawal of the 35 U.S.C. §102(b) rejection of claims 2-4, 6, 11-13, and 18-20 in view of Basiulis is therefore respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §103

On page 4 of the Office Action, claims 5, 7-10, and 14-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Basiulis in view of Eastman (U.S. Patent No. 4,274,479). Claims 5, 7-10, and 14-16 each depend from claim 1, and are therefore allowable based upon independent claim 1 and upon other elements and features claimed in claims 5, 7-10, and 14-16 but not discussed herein. Withdrawal of the 35 U.S.C. §103(a) rejection of claims 5, 7-10, and 14-16 in view of Basiulis and Eastman is therefore respectfully requested.

CONCLUSION

In view of the above, the Applicants respectfully request entry of the Amendment and reconsideration of pending claims 1-20 in light of the above remarks. The Applicants also request that the Examiner contact the Attorney of record in the event such a call could advance prosecution of the present application.

Respectfully submitted,



Christopher B. Austin
Reg. No. 41,592

Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560